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FILED  
HARRISBURG, PA

JUL 7 2002

MARY E. DIANDREA, CLERK

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL  
ASSOCIATION, a non-profit  
Corporation incorporated under the  
laws of the Commonwealth of  
Pennsylvania, CITIZENS FOR PLANNED  
COMMUNITY GROWTH, an unincorporated  
association organized under the  
laws of the Commonwealth of  
Pennsylvania, PAUL B. AMBROSE,  
JOHN G. ENDERS, CHARLES F.  
RAHAUSER, BETSY RAHAUSER, DOUGLAS  
A. WARNOCK, U.X. VAGNERINI, THOMAS  
W. BUNDY, STEPHEN P. BUCHER,  
ROGER J. ROBERTSON, JAMES A.  
STRITE, JR., DAVID A. GUTHRIE,  
Plaintiffs,

v.

KEN WYKLE, Administrator, Federal  
Highway Administration, ROBERT  
GATZ, Federal Highway  
Administration,  
Defendants,

and

BRADLEY L. MALLORY, Secretary for  
the Department of Transportation,  
Commonwealth of Pennsylvania,  
Intervenor

CIVIL ACTION NO.  
1:CV-01-0910

(Judge Rambo)

FEDERAL DEFENDANTS' and INTERVENOR'S  
JOINT MOTION FOR SUMMARY JUDGMENT

**COMES NOW**, the Federal Defendants and Intevenor, by their attorneys, and move the Court to grant summary judgment in their favor. In support thereof they aver as follows:

1. This case involves an appellate type of review of a decision by the Federal Highway Administration ("FHWA").

2. The Administrative Record, comprised of fourteen boxes of documents, was filed with this Court and was served on all parties.

3. There is a contemporaneous explanation of FHWA's decision as set forth in the Administrative Record. (AR-82.)

4. Federal Defendants prepared a Draft Environmental Impact Statement, a Final Environmental Impact Statement ("FEIS"), a Re-Evaluation of the FEIS, and a Re-Evaluation of the Record of Decision as required by the National Environmental Policy Act. (AR-12; AR-46; AR-47; AR-48; AR-80, AR-83.)

5. Federal Defendant prepared a Determination of Eligibility Report, a Criteria of Effects Report and addendi, and a Memorandum of Agreement as required by Section 106 of the National Historic Preservation Act and its regulations. (AR-7; AR-9; AR-16; AR-50; AR-57; AR-66; AR-67; AR-70; AR-84.)

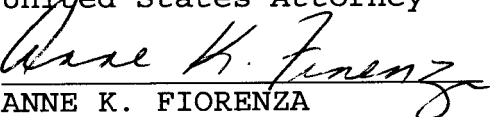
6. FHWA approved the construction of Alternative D Modified. (AR-82.)


7. All decisions and the environmental documents are in full compliance with all relevant statutes and regulations.

8. Plaintiffs' attorney was contacted and does not concur with this Joint Motion for Summary Judgment.

**WHEREFORE**, Federal Defendants and Intervenor respectfully request the Court to grant summary judgment in their favor on all counts.

Respectfully submitted,

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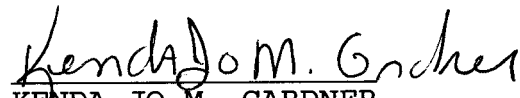
  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of Chief Counsel of the Department of Transportation, Commonwealth of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this 7 day of June, 2002, she served a copy of the foregoing documents by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by deposition said envelope and contents in the United States Mail at Harrisburg, Pennsylvania to:

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Chambersburg, PA 17201

  
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